



New California Leave Law Signed by Governor

The Michelle Maykin Donation Protection Act has been signed by Governor Schwarzenegger. This law applies to all employers with 15 or more employees and provides another right for an employee to take leave in California. The law requires employers to permit employees who are an organ donor or bone marrow to take a leave of absence with pay.

The law provides that:

- An organ donor must be permitted to take a paid leave of up to thirty (30) days during a one-year period; a bone marrow donor must be permitted to take a leave of up to five (5) days in a one-year period
- The leave can be taken in one or more periods of time
- The employee must provide the employer with a written certification that he or she is an organ/bone marrow donor and that there is a medical necessity for such donation
- Such leave shall not constitute a break in service for the purpose of salary adjustments, sick leave, vacation, annual leave or seniority
- The employer may require the employee to use up to five (5) days of earned but unused sick or vacation leave for bone marrow donation and up to two weeks of such leave for organ donation
- The employer must pay for continued coverage for the employee under its group health plan for the duration of the leave
- Such leave shall not be taken concurrently with any leave taken under the FMLA and/or CFRA
- An employee shall be restored to his/her former position upon return from leave unless the failure to restore the employee to the former position is unrelated to the employee's exercise of his/her right to take donor leave
- An employer shall not discriminate against an employee for taking donor leave

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